

AMENDED IN SENATE JUNE 5, 2014

AMENDED IN SENATE APRIL 28, 2014

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 46

Introduced by Assembly Member Pan

December 19, 2012

An act to add Section ~~10828~~ 89227 to the ~~Public Contract~~ *Education* Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 46, as amended, Pan. California State ~~University: contractors~~ *University: online education*.

Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Under existing law, the California State University comprises 25 institutions of higher education throughout the state. ~~Existing law imposes various requirements with respect to contracting by the California State University.~~

~~This bill would require that contracts entered into by the California State University on or after January 1, 2015, for the purpose of developing educational programs comply with all of the following: that any data collected, pursuant to the contract, by the contractor relating to a student or a faculty member, including data relating to the student's or faculty member's use of university resources, be provided to the university in both electronic and paper formats; that any service or instruction provided, pursuant to the contract, by a nonstate agency~~

~~contractor to a student or faculty member conform to pertinent federal statutes and regulations relating to student and faculty data; that any contract entered into with a nonstate agency acknowledge that other contracts entered into by the university may determine the rights to that intellectual property; and that any service or instruction provided, pursuant to a contract entered into by a nonstate agency subcontractor with a nonstate agency contractor, conform to these policies.~~

Existing law requires the trustees to establish a series of uniform definitions for online education for the California State University on or before January 1, 2015, as specified. Existing law also requires the trustees to report performance data about online education to the Legislature on or before January 1, 2017, and every 2 years until 2021, and requires the trustees to report the performance data to the Legislative Analyst on or before January 1, 2017. Existing law further requires the Legislative Analyst to submit to the Legislature, on or before October 1, 2017, a status update regarding the university's implementation of these provisions and an assessment of the extent to which the university's online programs are operating in a manner consistent with legislative intent and statutory requirements.

This bill would require the trustees to make available to the Academic Senate of the California State University specified information relating to all matriculated students of the California State University who are enrolled in online courses, irrespective of whether the courses or programs in which they are enrolled are provided by faculty of the California State University or by another entity. The bill would require this information to be provided in compliance with all relevant state and federal provisions of law safeguarding the privacy of the students involved.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 89227 is added to the Education Code,
- 2 immediately following Section 89226, to read:
- 3 89227. (a) For purposes of providing a high-quality
- 4 educational program and correlating student success, or a lack
- 5 of student success, with resource use, demographic data,
- 6 preparation, and mode of instruction, especially with respect to
- 7 online education, the trustees shall make the information specified

1 *in subdivision (b) available, both on paper and in electronic form,*
2 *while complying with all relevant state and federal provisions of*
3 *law safeguarding the privacy of the students involved, to the*
4 *Academic Senate of the California State University upon its*
5 *request.*

6 *(b) The information provided under this section shall relate to*
7 *all matriculated students of the California State University enrolled*
8 *in online courses, irrespective of whether the courses or programs*
9 *in which they are enrolled are provided by faculty of the California*
10 *State University or by another entity:*

11 *(1) The number of students enrolled in online courses.*

12 *(2) With respect to each major course of study, the course*
13 *completion rates for online courses and for courses other than*
14 *online courses.*

15 *(3) The grades earned by each student enrolled in an online*
16 *course.*

17 *(4) The course completion rates for students who are enrolled*
18 *in online courses.*

19 *(5) Any data relating to a student's or faculty member's use of*
20 *university resources in connection with online coursework,*
21 *including, but not necessarily limited to, the use of computer*
22 *terminals and other electronic equipment, library materials, or*
23 *staff support time. This data shall include any available information*
24 *about the average amount of time it takes a student to complete*
25 *an online assignment.*

26 *(6) Any available demographic data relating to students enrolled*
27 *in online courses, including, but not necessarily limited to, the*
28 *ethnicity, socioeconomic status, and gender of those students, and*
29 *the cumulative grade-point averages of those students*
30 *disaggregated by those demographic categories.*

31 ~~SECTION 1. Section 10828 is added to the Public Contract~~
32 ~~Code, to read:~~

33 ~~10828. (a) A contract entered into by the university on or after~~
34 ~~January 1, 2015, for the purpose of developing educational~~
35 ~~programs shall comply with all of the following requirements:~~

36 ~~(1) Any data collected, pursuant to the contract, by the contractor~~
37 ~~relating to a student or a faculty member, including data relating~~
38 ~~to the student's or faculty member's use of university resources,~~
39 ~~shall be provided to the university in both electronic and paper~~
40 ~~formats.~~

~~(2) Any service or instruction provided, pursuant to the contract, by a nonstate agency contractor to a student or faculty member shall conform to pertinent federal statutes and regulations relating to student and faculty data. The language of the contract pursuant to which the service or instruction referenced in this paragraph is provided shall explicitly authorize the provision of this service or instruction to students or faculty.~~

~~(3) Any contract entered into with a nonstate entity shall acknowledge that other contracts entered into by the university may determine the rights to that intellectual property.~~

~~(b) Any service or instruction provided, pursuant to a contract entered into by a nonstate agency subcontractor with a nonstate agency contractor, shall conform to, and incorporate relevant policies required by, subdivision (a).~~

~~(c) As used in this section, “university” means the California State University.~~